

**OFFICE OF TECHNOLOGY AND INNOVATION TESTIMONY BEFORE THE NEW
YORK CITY COUNCIL COMMITTEE ON TECHNOLOGY**

Oversight - Broadband and Equal Access to the Internet in New York City.

Int 0112-2022: Establishing a cable franchise agreements website.

Int 0241-2022: Providing public school students with mobile hotspot devices.

Int 0440-2022: Program to provide public access to wireless networks.

Int 0599-2022 : Information on affordable internet programs for students and families.

SEPTEMBER 19, 2022

Good afternoon, Chairs Gutiérrez and Riley and members of the City Council Committee on Technology and the Subcommittee on Zoning and Franchises. My name is Brett Sikoff, and I am the Executive Director of Franchise Administration for the Office of Technology and Innovation (OTI). Here with me today is Associate Commissioner and Acting General Counsel Chantal Senatus. Thank you for the opportunity to testify today on one of OTI's largest priorities: equitable broadband access.

OTI, under the leadership of Chief Technology Officer Matthew Fraser, oversees several initiatives to bring broadband access to historically underserved communities. We believe not having reliable, affordable access to broadband severely limits large segments of the population from fully participating in society. Internet access is not a luxury, but a necessity akin to a utility. The pandemic brought the digital divide into focus, laying bare the gaps in learning and productivity for those who did not have the access at their fingertips.

The City's broadband strategy and approach has benefitted from the consolidation of the City's technology offices under the broader OTI umbrella. Under my team, we have brought together the City's franchise authority (previously under legacy DoITT) and have aligned it with the mission to support ubiquitous broadband adoption (previously under legacy MOCTO). We have been able to take a more holistic view of existing programs, contracts, and franchises and account for where the gaps remain. Further, we can continue to move the ball forward on bringing in more internet service providers to give New Yorkers affordable and reliable service, while also considering short-term solutions that address this urgent need.

That is why earlier today, Mayor Adams and CTO Fraser announced the launch of Big Apple Connect, a program that will make free high-speed internet and basic cable TV available to approximately 300,000 New Yorkers living in more than 200 NYCHA developments by the end of 2023. Today, more than 100 developments' residents are eligible for this new benefit. Once its rollout is completed, Big Apple Connect is projected to be the largest municipal program to

cover the cost of internet for public housing residents. This program will provide residents of NYCHA developments a free offering that consists of in-home, high-speed internet connection, basic cable TV service and common area Wi-Fi hotspots selected in consultation with NYCHA.

To get results in a short time frame, we decided to request proposals from existing NYC cable television franchisees, all of whom already have infrastructure throughout NYCHA developments, nearly eliminating the need for additional capital investment, with the ability to quickly deliver services. In the last few months, we have entered into three-year agreements for a bulk purchase of services at a low price with both Altice/Optimum and Charter/Spectrum. These two companies will collectively cover the majority of developments owned and managed by NYCHA. The City is continuing to negotiate with Verizon, which has a citywide cable television franchise.

In addition to making this available within the year, our goal is to make enrollment in the program as seamless as possible. Existing eligible customers of Altice/Optimum and Charter/Spectrum living in NYCHA developments will automatically be enrolled in the program and will only be billed for any additional services they choose to purchase directly. Customers will receive e-mail notifications and mailers explaining why their bills were lowered, as well as information on Big Apple Connect. Residents without existing service will be able to reach out to the companies directly or can sign-up during on-site enrollment events conducted by the companies in partnership with OTI.

The program began in a pilot phase available at 8 developments across all 5 boroughs, including: Mott Haven and Patterson in the Bronx; Langston Hughes and Brownsville Houses in Brooklyn; Polo Grounds in Manhattan; Queensbridge and Woodside in Queens; and Stapleton in Staten Island. The next phase of sites selected are available on nyc.gov/bigappleconnect.

Big Apple Connect is meant to be complimentary to the existing Affordable Connectivity Program (ACP). This federal program provides eligible households with a \$30 a month benefit toward internet service. Although it is not possible to use the ACP benefit and Big Apple Connect for in-home broadband service, all eligible households will have the opportunity to apply ACP to cellular data service. For as long as ACP is available, OTI will continue to promote and support its adoption. We appreciate that the Council has taken many steps to partner with organizations to bring awareness to the program and help residents sign up for ACP across the City.

Support of programs to provide low- or no- cost broadband is one of many strategies OTI oversees. The City must enable ubiquitous fiber infrastructure in order for these services to be provided. At the core of many of the broadband services with which the committees may be familiar are franchises. A franchise is a contract that allows use of the City's rights-of-way – our streets, sidewalks, and other public assets – to deliver services to the public in exchange for franchise fees. In other words, the City grants a limited right to use these valuable assets, and in return, receives much-needed revenue. Franchises do not cost taxpayer funds; rather, they provide a funding stream. The NYC Council plays a crucial role in the franchise process by passing authorizing resolutions that allow us to solicit and enter into franchise agreements.

OTI administers several franchises, including cable television; public communications structures (LinkNYC public Wi-Fi); mobile telecommunications (mobile phone service); and information services (fiber used for other purposes). It is important to note that although the cable television franchisees – Charter, Altice, and Verizon – all also provide broadband services, the franchise agreements are limited to the provision of cable television, to the extent required by federal law.

LinkNYC remains a cornerstone of the broadband offerings provided via franchise agreement. Nearly 2,000 kiosks have been deployed in all five boroughs, reaching over 11.8 million subscribers. Recently, we unveiled Link5G, the newly designed kiosk that provides all the same amenities as the original Link – free Wi-Fi, nationwide calling, device charging, and quick access to 911 and government services – with the added benefit of multi-tenant 5G. We continue to work with the franchisee, CityBridge, to bring more Links to underserved areas in the outer boroughs and above 96th Street over the next several years.

In addition to Link5G, my team administers mobile telecommunications franchises. These franchises allow companies to build 4G and 5G equipment on light poles and utility poles. Through this franchise, mobile carriers are able to enhance and densify their cellular networks, providing crucial service to anyone who owns a cell phone. More recently, we have provided incentives for these companies to build their equipment in historically underserved areas of the City, ensuring that mobile coverage is equitable.

Finally, information services franchises are held by companies that install and operate fiber optic cable in City streets for the purpose of offering or supporting voice, data, and/or business-to-business internet service across the five boroughs. In the past year, the City has entered into 10 of these franchises, and we continue to consider qualified companies on a rolling basis. These companies' fiber build provides the foundation for more broadband companies to enter the marketplace, with the hope that more competition will result in lower prices. While we cannot

direct the franchisees precisely where to build, we have put incentives in place to encourage build outside the Manhattan core, similarly to our other franchises.

We know that building the foundation for broadband and providing the means to access it is not enough, which is why OTI also funds and administers Connected Communities, a long-term, large-scale digital inclusion initiative that provides digital literacy and employment resources in historically underserved areas for thousands of New Yorkers every year. In partnership with NYC Parks Media Education Labs, the Department for the Aging's Older Adult Centers, NYCHA's Digital Van Program, and the City's three library systems, Connected Communities underwrites over 100 public sites to enable the critical delivery of devices, software, mobile hotspots, and over 24,000 hours annually of high-quality digital literacy programs that help New Yorkers gain essential skills.

I will now turn to the legislation being considered today:

Introduction 112-2022, sponsored by Council Member Holden, would require OTI to post information on our website related to cable franchise agreements. We recently updated our website and do provide information about the cable franchises. We continue to improve it and keep content fresh and would be happy to take feedback from Council on this page in particular.

Next, Introduction 241-2022, sponsored by Chair Gutiérrez, would require OTI, in consultation with the Department of Education (DOE) to provide all students with mobile hotspots. While we are all too familiar with the struggles that students faced during the height of the COVID-19 pandemic, it is our understanding that students in need may already be able to request devices directly from DOE. During the time period of remote instruction, DOE acquired over 700,000 mobile data-enabled devices and approximately 30,000 hotspots that were distributed to schools for use as needed. DOE continues to have a process in place for schools to ask for device needs. Procuring mobile hotspot devices to all students would be a sizable investment in both hardware and monthly service fees. More discussion is needed to determine where the gaps remain to ensure that any large investment is benefiting those who need it most.

Council Member Won's bill, Introduction 440-2022, would require OTI to establish a program whereby city agencies provide wireless network access for the public to utilize the internet. We appreciate the spirit of this proposal, which appears to seek to leverage current Wi-Fi networks for public uses. Upon review of the bill text, it remains unclear whether the proposal seeks to provide service to an agency's walk-in customers or to the general public. Further, the capabilities of an agency to provide this service is highly dependent on numerous factors and

may require significant infrastructure investments. We'd like to discuss further what the sponsor envisions with this bill, considering the operational and fiscal implications as written.

Lastly, Introduction 599-2022, also sponsored by Council Member Won, would require OTI to provide written materials about affordable internet for wide-ranging outreach to students and families. OTI cares deeply about promoting low- or no-cost broadband service to those most in need, and we appreciate the Council's focus on educating students and their families about the programs available to them. We have collaborated with DOE to promote ACP in the past and would like to discuss with DOE and the Council additional strategies to better get the word out about current offerings and identify which programs would be appropriate to promote.

I am now happy to take Council Members' questions.

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PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON TECHNOLOGY
SEPTEMBER 19, 2022**

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Jennifer Gutiérrez and the members of the Committee on Technology for holding this hearing.

The bills introduced today will help alleviate the digital divide in New York City. Intro 0241, Intro 0440, and Intro 0599 will help to establish infrastructure that enables students to connect to the internet. However, before Intro 0241 is passed, there should be an evaluation on how much mobile hotspots will cost, versus the universal broadband coverage. Mobile hotspots commercially range in price, and are priced in the amount of data used per month, with unlimited data being the most expensive. Virtual instruction is video based, which takes more data. Mobile hotspots may be more expensive because of the large amount of data required.

While the Mayor's Office has stalled on the plan to provide universal broadband access, it is still a goal that is affordable and necessary. Mobile hotspots are nimble and can be easily distributed, but may not be able to support the several hundred thousand students without internet access. Fundamentally, we must look to a future where there is established infrastructure to support internet access for all New Yorkers not reliant on Internet Service Providers (ISPs). ISPs have monopolized certain areas, provided high prices, and unsatisfactory service. Intro 0440 is a necessary step to develop publicly available internet access to all New Yorkers.

Internet access is not the only barrier for remote school students. On May 4th, 2020, I sent a letter to former Department of Education Chancellor Carranza on behalf of parents who were being threatened by the Administration for Children's Services (ACS) because of issues they could not control with their children's virtual education. Public defenders reached out to my office because their clients were unjustly receiving threats of educational neglect. Schools would send over laptops that did not work or software that would not load, and school teachers would mark students as absent. Even though parents went through every available resource to correct the situation, parents were still being investigated for situations outside of their control.

Thus, the Committee on Technology must work with the Committee on Fire and Emergency Management, the Committee on Education, and New York City Emergency Management to implement a plan to coordinate future plans for remote education. There must be a coordinated distribution of working laptops, so students will be assured an education. With the plan by the Office of the Mayor for remote education during snow days, it is important now more than ever to establish uniform standards that the Department of Education can follow that does not involve criminalizing parents. New York City must continue to improve digital infrastructure, by supporting the legislation before us

today and by looking towards universal broadband coverage. If we do not address the issues that students have with the internet, then improving universal internet access may be in vain for some.

September 22, 2022

To: Committee on Technology Jennifer Gutiérrez, Chair, Members: Shaun Abreu, Robert F. Holden, Vickie Paladino and Julie Won, and Subcommittee on Zoning and Franchises Kevin Riley, Chair

Re: Joint Hearing on Broadband and Equal Access to the Internet in New York City
250 Broadway, Committee Room 14th Floor
1:00pm

Date: September 19, 2022

Dear Chair and Committee members,

Attached please find Verizon's comments regarding the committee's joint hearing on broadband and equal access to the internet held on Monday 9/19/22.

If you require any additional information or have any questions or concerns please reach out to me at Kassandra.Perez-Desir@verizon.com

Yours sincerely,

Kassandra Perez-Desir

Verizon has longstanding and deep-rooted connections with New York City, and for more than a hundred years has played a substantial role in the life of our great city. With the help of the many thousands of New Yorkers who work for the company, we have built and maintained the best-in-class wireline and wireless networks that are the backbone of the 21st century economy — truly a network built *by New Yorkers, for New Yorkers*. We work on an ongoing basis, day after day, to maintain and upgrade those networks in order to meet the ever-increasing communication needs of the City and its people and businesses.

That work constitutes a substantial investment in, and contribution to, the future of New York City. Indeed, over the years Verizon has invested billions in its wireline and wireless infrastructure in New York.

Verizon recognizes the need to support the economic, environmental, and social development of the communities in which they live and work. Fulfilling that obligation is sound morality, and sound business. To that end, we have created an initiative known as Citizen Verizon, which builds on the company's long-standing commitment to corporate responsibility. Citizen Verizon is organized around three key pillars — Digital Inclusion, Climate Protection, and Human Prosperity. For more information on the overall initiative I would encourage interested individuals to visit www.verizon.com/about/responsibility. By supporting digital inclusion initiatives, we enable individuals and communities to develop the knowledge and skills to thrive in the digital age. Since 2012, in partnership with non-profit Digital Promise, Verizon has been working to foster digital inclusion through a transformative program called Verizon Innovative Learning. This program provides free technology, free internet access, teacher training, and a next-gen, technology-infused curriculum to under-resourced schools across the country to ensure all students should have access to technology and quality STEM education. In New York this program has been implemented in 33 schools impacting approximately 25,000 students and 2000 teachers.

Verizon is committed to and ingrained in the innovation of infrastructure to make sure New York City is a national leader in technological advancements. Verizon's commitment to bringing the most advanced and reliable network to all New Yorkers is at the core of all that we do, prior to the pandemic, during the pandemic and will continue on as it is as the center of our credo. During the pandemic, NYC school children were displaced from classrooms and forced into remote learning environments that made it difficult for them to perform their academic duties in the 21st century. To this end, Verizon partnered with non-profits, school systems, and municipalities to ensure students had the tools and resources to thrive. Today, in addition to our Innovative Learning program, we continue to offer discounted pricing and terms for internet plans and other applications to assist distance learning initiatives whether students are in the classroom, are at home, or are in a hybrid model.

Verizon is proud to honor its commitment to keeping people connected by participating in the FCC's Affordable Connectivity Program ("ACP"). Customers approved for the program can get free FiOS Home Internet with Verizon's FiOS Forward discount. Qualifying households who sign up for this plan can enjoy speeds of 300/300 Mbps for \$0/mo. Additionally, ACP can be applied to Verizon wireless plans as well.

In the Spring of 2022, Verizon began an ongoing collaborative effort with Council member Menin and her office to target outreach at NYCHA facilities across the city to ensure that all qualifying residents are aware of the program and that they have real time opportunities and assistance to sign up for the ACP. In addition to our collaboration with CM Menin we have had well over 50 successful events across the city including but not limited to events with Council member Won, Council member Osse, and Council member Hudson. In addition to our partnerships with elected officials and their offices, as part of our continued commitment to digital inclusion, Verizon seeks to drive increased awareness and adoption of the Affordable Connectivity Program (ACP). Currently, there are multiple barriers limiting the adoption and uptake of the ACP program in eligible populations. These include:

- limited awareness of the program with eligible populations
- skepticism in government programs and discounts
- a complex process enrollment process for eligible individuals

To address these barriers, Verizon is pursuing partnerships with trusted local and national organizations to build awareness of ACP, support eligible populations to enroll in ACP and educate households on Verizon ACP services.

We also continue to partner with trusted nonprofit grass roots organizations such as FedCap, Senior Council, Silicon Harlem, YearUp, YouthAction Build, HypotheKids, just to name a few, to reach the communities they serve. As a result of these collaborative efforts we have attended events across all five (5) boroughs since June, and will continue this effort into early 2023 with a goal of reaching at least 1000 individuals through a combination of events and communications to increase awareness of ACP in their community.

Thank you for the opportunity to share this information and we are more than happy to meet with you to discuss our plans, potential partnerships, and the introduced pieces of legislation in greater detail.

Verizon Innovative Learning: New York

By the Numbers

33

Participating schools since 2016

24,894

Students Reached

1,996

Teachers Engaged

92%*

of teachers in 2020 said that the program helped prepare them to teach remotely.

82%*

of students participating in 2020 were eligible for free and reduced-cost lunch.

98%*

of 2019 summer program participants reported increased interest in STEM subjects.

* Nationwide percentages. Source: Westat.com.

Digital Inclusion

In partnership with non-profit [Digital Promise](#), Verizon is working to foster digital inclusion through a transformative program called Verizon Innovative Learning. This program provides free technology, free internet access, teacher training, and a next-gen, technology-infused curriculum to under-resourced schools across the country. In New York, 33 schools have joined the Verizon Innovative Learning program, preparing students to lead in the digital age and ensure all students should have access to technology and quality STEM education. In addition, our next-gen online education portal is available to all, including educators and students, and is a key driver in our quest to provide 10 million youth with digital skills training by 2030.

<https://www.verizon.com/about/responsibility/digital-inclusion/verizon-innovative-learning>

Innovation and 5G Labs

We launched Verizon Innovative Learning Labs to enhance the educational experience. We are inspiring students with tech innovations by building state-of-the-art, experiential learning spaces within our schools and powering select labs with Verizon 5G technology. The labs offer students access to emerging technologies including AR, VR, and AI. In New York, for School Year 2021-2022, we launched 3 labs located at PS 171 Patrick Henry School, B James P. Sinnott Magnet School: JHS 218, and C Robert Vernam School: PS/MS 042

Verizon Innovative Learning HQ

To help ensure that no child is left behind, we've created a free next-gen online education portal geared towards grades K-12. The portal, which is open to all, is designed to help educators bring immersive learning tools including AR/VR technologies into their lesson plans. The free education portal includes content curated by Columbia University, New York University, Arizona State University, and other academic institutions covering a broad range of subjects from history to biology. Professional development courses aligned to research-backed micro-credentials are also available to educators through the portal.

<https://www.verizon.com/learning>

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innovative
learning



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Verizon Innovative Learning: New York

By the Numbers

33

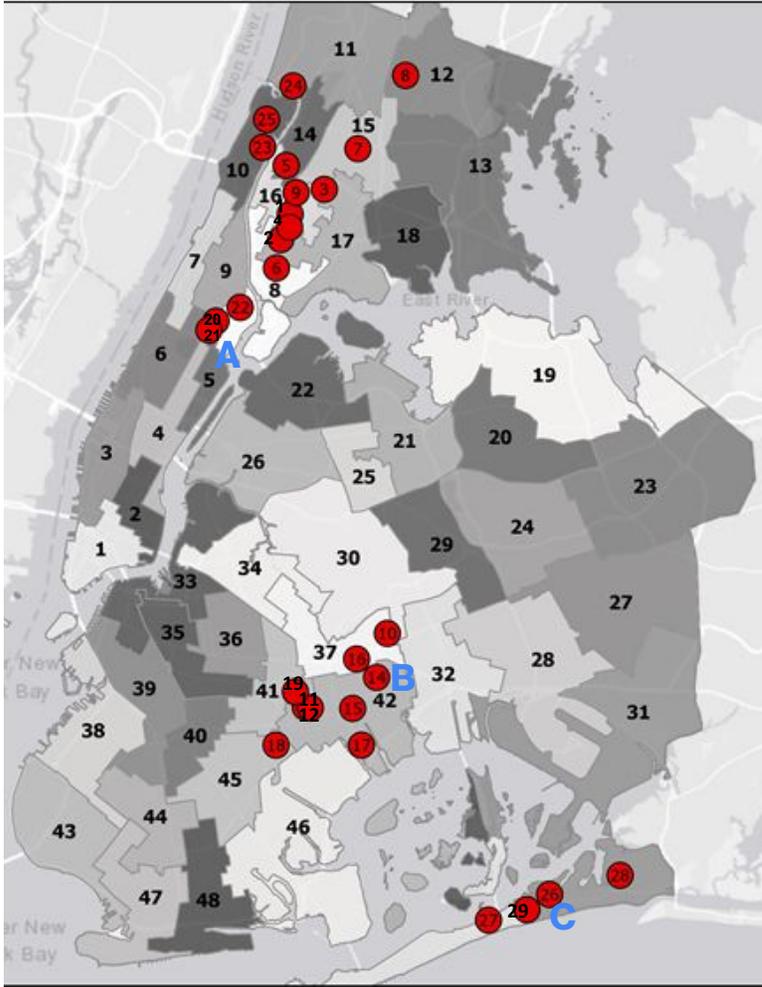
Participating schools since 2016

24,894

Students Reached

1,996

Teachers Engaged



New York City

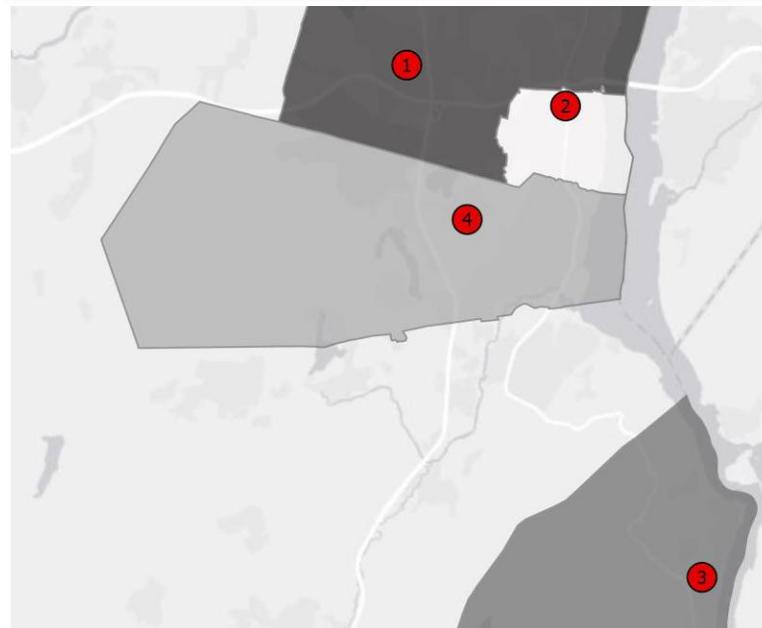
- 1 Bronx Writing Academy
- 2 Soundview Academy for Culture and Scholarship
- 3 P.S./M.S. 004 Crotona Park West
- 4 South Bronx International Middle School
- 5 I.S.X303 Leadership & Community Service
- 6 The Laboratory School of Finance and Technology
- 7 Bronx Academy of Software Engineering (BASE)
- 8 North Bronx School of Empowerment
- 9 Bronx High School of Business
- 10 Highland Park Community School
- 11 P.S. 041 Francis White
- 12 P.S. 184 Newport
- 13 I.S. 171 Abraham Lincoln
- 14 J.H.S. 218 - James P. Sinnott Magnet School - **B**
- 15 Van Siclen Community Middle School
- 16 Vista Academy
- 17 Frederick Douglass Academy VIII
- 18 I.S. 285 Meyer Levin Middle School
- 19 Teachers Preparatory HS
- 20 PS 108 Assemblyman Angelo Del Toro Educational Complex
- 21 PS 171 Patrick Henry School - **A**
- 22 PS 96 Joseph C. Lanzetta School
- 23 High School for Law and Public Service
- 24 English Language Learners International Support Preparatory Academy
- 25 Harold O. Levy School
- 26 P.S./M.S. 042 Robert Vernam School - **C**
- 27 Rockaway Park HS for Environmental Sustainability
- 28 Frederick Douglass Academy VI
- 29 P.S. 183 Dr. Richard R. Green

Innovation Labs

- A** PS 171 Patrick Henry School
- B** James P. Sinnott Magnet School: JHS 218
- C** Robert Vernam School: PS/MS 042

Newburgh, NY

- 1 Meadow Hill
- 2 Newburgh Free Academy North
- 3 Newburgh Free Academy West
- 4 Temple Hill





Committee on Technology
Subcommittee on Zoning and Franchises
September 19, 2022

Comments of BRIC Arts Media, Delivered By Anthony Riddle

BRIC, through Brooklyn Free Speech, would like to offer support for the discussion of each of the three pieces of legislation under consideration.

We favor establishment of a cable franchise agreements website. This would make it much easier for the five Community Media Centers that operate under side agreements to the current franchises —BRIC, BronxNet, Manhattan Neighborhood Network, Queens Public Television and Staten Island Community Television—to keep apprised of current franchise renegotiation progress. We are important partners to the City for organizing strong community support in its upcoming cable franchise renegotiations.

For decades, BRIC and the NYC Community Media Centers have been the leading providers of access to the technology that has bridged the communications gap for young people who would otherwise be left behind. In fact, during the lockdown, we provided technical support and distribution for the Boards of Education in each of our boroughs, facilitating daily classes on the channels provided by the cable franchise side agreements.

We support the provision of hot-spots to students and stand ready to provide the technical support and training needed to make them effective.

Finally, we support providing WiFi connectivity to communities that would otherwise be left behind. Again, New York City's Community media centers look forward to providing training for the end users and the vision to raise this wonderful idea up to its full potential for bringing the beauty of our individual voices into a choir of tremendous harmony.

New York's Community Media Centers look forward to working with Committee on Technology, the Subcommittee on Zoning and Franchises, with DoITT to keep NYC a national leader in community-based technology.

647 Fulton Street
Brooklyn, NY 11217
718.683.5600

BRICartsmedia.org

**New York City Council
Committee on Technology
Council Member Jennifer Gutiérrez, Chair
Subcommittee on Zoning and Franchises
Council Member Kevin Riley, Chair
September 19, 2022**

Oversight - Broadband and Equal Access to the Internet in New York City

Thank you for the opportunity to testify on increasing senior access to technology.

LiveOn NY's members include more than 100 community-based nonprofits that provide core services which allow all New Yorkers to thrive in our communities as we age, including senior centers, home-delivered meals, affordable senior housing, elder abuse prevention, caregiver supports, NORCs and case management. With our members, we work to make New York a better place to age.

Throughout the pandemic, LiveOn NY's members and the entire aging services network have found new ways to provide critical services to older New Yorkers in the face of unprecedented demand and a public health crisis. Technology has been the core to making this work possible. Overnight, Older Adult Center classes went virtual and phone calls became the main mode of communication with clients. This work is critical, as isolation is a significant health risk and predictor of morbidity. The ability to remain connected virtually has undoubtedly saved lives. To showcase the breadth of virtual programming that is now available, LiveOn has created a webpage where older adults can find classes offered in their community or that focus on their interests.

Unfortunately, the FCC estimates that 21 million Americans do not have access to high-speed internet, while other studies believe that number is closer to 42 million people. Even in New York, there are areas where connectivity remains a challenge. Additionally, financial barriers hinder access to technology among older adults, particularly given that the majority of older adults rely on limited fixed incomes. Today, many older adults can't afford to purchase technology such as tablets or computers, and even if the devices are given to them, it is difficult or impossible to afford monthly internet access. Further, the COVID-19 pandemic has exacerbated the digital divide, brought increased awareness to its existence, and highlighted the disastrous effects of not combatting its prevalence.

Encouragingly, both the City and the State are beginning to address this issue. For example, the City's tablet distribution program during the pandemic is a concrete step towards improving access to technology. Although efforts have been made to increase older adult access to technology from the start of the pandemic until now, *more must be done*. LiveOn NY and our members have seen the ways that lack of access to technology limits the ability for older adults to remain engaged and connected in our communities. For example, lack of access limits one's ability to connect to virtual programming, thereby heightening the risk of isolation. Further, lack of access means missing out on real time information, such as best practices in regards to

COVID, how to access food or the vaccine, online job opportunities, and even the ongoing civic engagement discourse that often happens through the web.

Recommendations

LiveOn NY and **Hunter College's Brookdale Center for Healthy Aging** recently released a policy agenda titled "[Aging is Everyone's Business](#)" that outlines clear policy recommendations to build a future where older New Yorkers not only have access to their basic needs as they age, but are respected and engaged in society for the knowledge, experience, and social connections they bring.

As noted in that report, one out of three New Yorkers age 60 and above — 400,000 people — lack access to the internet at home. Four elements are required to ensure that older adults have meaningful internet access at home: access to a connection, access to a device, the motivation to get online, and the skills to get online, along with ongoing support. Current interventions on closing the digital divide focus on just subsidizing or otherwise providing an internet connection and a device, and do not include the education and training programs that would allow those interventions to effectively reach older New Yorkers. Getting all four elements in place will require different levels of investment for different populations. For younger people with enough financial resources, just wiring their street for broadband would be enough to get them connected. Younger people who have lower incomes would need little more than a subsidized connection and a device. For older adults, however, meaningful access often requires all of these plus education, skills, and support. Thus, any investment in closing the digital divide will not reach older adults unless it includes the education and training programs they will need to get online. The COVID-19 crisis made it clear that being able to connect from home is critical. Staying at home to protect against a pandemic that affected older adults most severely meant that many depended on the internet to meet basic needs, communicate with others, and get critical information. Climate change will likely bring other disasters to New Yorkers' doorsteps. With so much senior housing and several nursing homes located in floodplains, older New Yorkers are very likely to be affected by power outages, evacuation orders, and more.

Outlined below are the key barriers to technology access and technology-related recommendations from that report.

All New Yorkers should have meaningful access to the internet at home.

- Make free public tech support available to any New Yorker through 311, using contracts held by nonprofits across the city that specialize in providing support to different populations. Expand the NYCHA Connects program, offering devices, training, connection, and support, to all older, unconnected NYCHA and low-income senior housing residents.
- Establish a State or City Lifeline program at higher minimum service standards for people earning up to 250 percent of the federal poverty line.
- The NYC Office of the Chief Technology Officer should negotiate with internet service providers for unlimited data plans for Lifeline customers.

Create a public-private innovation fund to support two kinds of programs that would expand older New Yorkers' access to technology.

- Fund and provide technical assistance for public-facing programs to help providers expand their online offerings as well as help older adults connect to online offerings.
- Fund tech education and skills programs for older adults at senior centers, public libraries, settlement houses, and other community-based organizations.

Older adults should remain connected and informed when the next disaster strikes.

- Deputize and fund local older adult centers and other organizations to get older residents the basic technology skills they need to remain connected in the event of a disaster.
- Protect the city's telecommunications infrastructure against storm outages by building redundancy and investing in mesh networks.

Thank you for the opportunity to testify.

LiveOn NY's members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from older adult centers to congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.

LiveOn NY is also home to the Reframing Aging NYC Initiative, part of the national Reframing Aging Initiative aimed to counteract ageism and improve the way policymakers, stakeholders, and the public think about aging and older people. LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.



**WRITTEN TESTIMONY OF THE SOCIAL WELFARE LAW COMMITTEE
AND EDUCATION AND THE LAW COMMITTEE**

**NEW YORK CITY COUNCIL COMMITTEE ON TECHNOLOGY
AND SUBCOMMITTEE ON ZONING AND FRANCHISES**

**OVERSIGHT HEARING T2022-2025:
BROADBAND AND EQUAL ACCESS TO THE INTERNET IN NEW YORK CITY**

September 19, 2022

The New York City Bar Association, through its Social Law Welfare Committee and Education and the Law Committee, submits this written testimony on the need for greater internet access in New York City’s shelters.¹ The City Bar previously provided testimony on this topic to the City Council at a similar oversight hearing in October 2020.² We greatly appreciate the continued attention the Committee on Technology and the Subcommittee on Zoning and Franchises have given to the topic of internet access equity.

While there has been increasing attention paid at all levels of government to the need for high quality, reliable internet access in underserved communities, and we have seen steps taken to address the digital divide, *New Yorkers experiencing homelessness and residing in shelters are often forgotten*. As a result, we would like to take this opportunity to again highlight the unique impact the digital divide has on New Yorkers experiencing homelessness and the need for reliable internet access in all shelters.

¹ The phrase “shelters” in this testimony refers to all temporary housing facilities, which would include but not be limited to, shelters for adults, shelters for adult families, small-capacity shelters, shelters for families with children, domestic violence shelters, runaway and homeless youth shelters, shelters in hotels or shelters for refugees.

² “Testimony Highlighting the Impact of the Digital Divide on New York City’s Homeless Population,” New York City Bar Association, Oct. 13, 2020, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/internet-access-for-nyc-homeless-shelter-residents-testimony> (all websites last visited Sept. 18, 2022).

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

BACKGROUND

Many of New York’s shelters lack internet access for residents, an essential service which could reduce the length of their stay and facilitate their exit into permanent housing. As we discussed in our October 2020 testimony, the City Bar Justice Center documented this problem in a May 2020 report, “Homeless Need Internet Access to Find a Home: How Access to Internet and Technology Resources Can Support Homeless Families Transition out of Homeless Shelters.”³ In the time since, the City Bar - in collaboration with legal and nonprofit organizations, community groups and activists – has urged City and State officials to take action to ensure free, reliable internet access is available in temporary housing facilities.⁴

Our #wifi4homeless campaign has sought to highlight how the COVID-19 pandemic has exacerbated the digital divide and continues to have devastating consequences for New Yorkers experiencing homelessness. The pandemic has cemented internet access as an essential tool to conducting daily life. Without internet access in shelters, individuals and families experiencing homelessness are unable to search and apply for permanent housing and jobs, participate in remote schooling or complete in-person school assignments,⁵ apply for government benefits, or obtain necessary medical care. Parents and caregivers need to use these technologies to communicate with teachers about the children under their care and to engage with support services, such as special education, that the children require.⁶ Accessing counseling, telehealth⁷ or any other service⁸ has been extremely difficult since the start of the pandemic, as many of these services are reliant on Zoom or other internet-based platforms to allow patients and providers to safely meet

³ *Id.*; see also “Homeless Need Internet Access to Find a Home: How Access to Internet and Technology Resources can Support Homeless Families Transition out of Homeless Shelters,” City Bar Justice Center, May 2020, <https://www.citybarjusticecenter.org/wp-content/uploads/2020/05/Homeless-Need-Internet-Access-to-Find-a-Home-2020-Report.pdf>.

⁴ See generally “Close the Digital Divide! Help Ensure Internet Access for New Yorkers Experiencing Homelessness,” New York City Bar Association, June 1, 2022, <https://www.nycbar.org/media-listing/media/detail/bridging-the-digital-divide-wifi-accessibility>.

⁵ More than 101,000 New York City students were identified as homeless during the 2020-2021 school year. Approximately 28,000 of these students spent time in City shelters, while more than 65,000 were “doubled-up,” staying temporarily with others in overcrowded housing. See Advocates for Children of New York, Student Homelessness in New York City, Nov. 2021, https://www.advocatesforchildren.org/sites/default/files/library/nyc_student_homelessness_20-21.pdf (based on data obtained from the New York State Education Department, which includes students enrolled in New York City Department of Education schools and New York City charter schools).

⁶ “Thirty percent (30%) of students in shelter have Individualized Education Programs (IEPs) entitling them to special education services (significantly higher than the 21% of permanently housed students who have IEPs). But research shows that NYC students who are homeless receive IEPs later than permanently housed students, missing out on services during the early years when they could be most beneficial.” See “Recommendations from 40 Organizations for the Next Administration to Address the Educational Needs of Students Experiencing Homelessness,” Advocates for Children of New York, Nov. 2021, https://www.advocatesforchildren.org/sites/default/files/library/sth_recommendations_next_admin_11.2021.pdf.

⁷ See, e.g., “#WiFi4Homeless: A Virtual Existence with Virtually No Internet,” City Bar Justice Center, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-a-virtual-existence-with-virtually-no-internet/>.

⁸ See, e.g., “#WiFi4Homeless: Inaccessible Internet, Inaccessible Housing,” City Bar Justice Center, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-inaccessible-internet-inaccessible-housing-2/>.

with clients. While we have seen most COVID-related restrictions lifted and services re-opened for in-person business, the preference for remote options across the spectrum of services remains in many cases. As a result, poor or no internet connectivity leaves many shelter residents unable to effectively participate in critical services needed for their well-being - services that could ultimately help them transition into stable, permanent housing.

We are seeing some progress in addressing the digital divide. Policies and programs that would expand broadband access and affordability were included in the 2021 federal Infrastructure Investment and Jobs Act and the 2022 New York State budget, although they did not explicitly state that funding would be directed at temporary housing facilities.⁹ Building on the findings of the Justice Center’s report, the Legal Aid Society, along with Milbank LLP and Coalition for the Homeless, Inc., secured a major victory with a settlement with New York City in April 2021 that ensured that over 200 shelters housing school-age children were equipped with internet access.¹⁰

The City’s installation of Wi-Fi in family shelters is a significant achievement that should be applauded. However, it does not eliminate the need for *all* shelter residents to have internet access, *regardless of the shelter they live in*. Adult shelter residents engaged in GED, vocational, or college courses, who do not live in qualifying shelters, continue to face the same barriers to remote learning as school-aged children.¹¹ Similarly, the at-risk populations who disproportionately

⁹ “Fact Sheet: The Bipartisan Infrastructure Deal,” The White House, Nov. 6, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>; Marguerite Reardon, “Digital divide fix gets a boost as Biden signs \$1.2 trillion infrastructure bill,” CNET, Nov. 15, 2021, <https://www.cnet.com/home/internet/digital-divide-fix-gets-a-boost-as-biden-signs-1-2-trillion-infrastructure-bill/>; Press Release: Senator Sean Ryan Announces State Budget Includes Major Broadband Funding, Labor Standards For Broadband Projects, April 8, 2022, <https://www.nysenate.gov/newsroom/press-releases/sean-m-ryan/senator-sean-ryan-announces-state-budget-includes-major> (announcing the “Working to Implement Reliable and Equitable Deployment of Broadband Act (WIRED Broadband Act)”); Nate Benson, “State budget to dedicate \$1 billion to broadband projects in NYS,” WGRZ, April 16, 2022, <https://www.wgrz.com/article/news/local/one-billion-for-broadband-in-new-york-state-budget-money-internet-help-wifi/71-dc0f72c3-7078-49d9-87f8-f81426c18394> (discussing funding for “ConnectALL”; *see also* Press Release: Governor Hochul Announces New \$1 Billion ‘ConnectALL’ Initiative to Bring Affordable Broadband to Millions of New Yorkers, Jan. 5, 2022, <https://www.governor.ny.gov/news/governor-hochul-announces-new-1-billion-connectall-initiative-bring-affordable-broadband>). The City Bar, in collaboration with outside partners, advocated for the State budget to include funding for internet access in temporary housing facilities. *See* “Letter Urging Governor Hochul to Fund Internet Access to all Individuals Residing in Temporary Housing in the 2022 Budget,” Dec. 17, 2021, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/executive-budget-request-internet-access>.

¹⁰ *See, e.g.*, Noah Goldberg, “NYC must finish WiFi installation in family homeless shelters by August: suit,” *NY Daily News*, April 5, 2021, <https://www.nydailynews.com/new-york/ny-lawsuit-wifi-homeless-shelters-august-new-york-city-remote-learning-20210405-bp4lx2wfhzc65badzvspwihk4q-story.html>; David Brand, “NYC Installs WiFi at Every Family Homeless Shelter Following Legal Settlement,” *City Limits*, May 25, 2022, <https://citylimits.org/2022/05/25/nyc-installs-wifi-at-every-family-homeless-shelter-following-legal-settlement/>.

¹¹ Education is critical to an individual’s ability to participate in society. It promotes the social, economic, and intellectual well-being necessary to live a stable life and avoid homelessness. For shelter residents, education may reduce the length of their shelter stay and facilitate their exit into permanent housing. *See, e.g.*, “Barrier to Education: How Homeless Students Are Being Impacted by Remote Learning,” New York City Bar Association, http://documents.nycbar.org/files/2020744-InternetAccessHomelessShelters_EducationFactSheet.pdf; *see also* “No Barriers: A Legal Advocate’s Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act,” National Law Center on Homelessness & Poverty, 2nd Edition, Nov. 2016, at 10, <https://homelesslaw.org/wp-content/uploads/2018/10/NoBarriers.pdf> (“Moreover, school stability is critical for homeless children and youth, not

experience homelessness - namely domestic violence survivors and LGBTQ+ individuals – who are not housed in family shelters are not benefiting from all the critical resources provided through internet access.¹² Our single adult shelter residents are being left behind.

RECOMMENDATIONS

It is vital that the City ensure that the thousands of New Yorkers who are homeless and residing in shelters – including single adults - are included in any existing or future plans to expand internet and broadband access for underserved communities, including single adults. This includes all properties and temporary housing facilities (including hotels) that are maintained by New York City agencies. We urge the City Council to work with the Mayor’s Office and all related agencies to ensure that City-funded homeless shelters are prioritized in any plans to expand broadband and internet access. For example, the Mayor’s Office announced just this week a free municipal broadband program for NYCHA residents.¹³ This is great news for NYCHA residents; now shelter residents need similar investments.

In addition to ensuring that every City shelter has reliable internet and Wi-Fi connections for all shelter residents, consideration should be given to the devices that are needed to access the internet. Many shelter residents (students in particular) lack access to updated technology;¹⁴ this includes updated internet-ready computers, tablets, or other devices with keyboards; and printers with scanners that maintain connections with those devices. This technology is crucial to ensure shelter residents have full access to the internet and the resources they are accessing online. We urge the City Council to consider what additional steps might be taken to ensure shelter residents have access to this technology and that the investment in technology access in shelters is a sustained one.

Finally, we urge the City Council to support state-wide efforts to provide internet access to all individuals residing in temporary housing. Legislation is currently pending in the State Legislature – A.8552-B / S.3593-C – that would require all temporary housing facilities to provide

only providing continuity during a turbulent time in their lives but also leading to improved academic outcomes. Continuity of education during homelessness is vital not only for children and youth’s mental and emotional health in the short-term, but for their future ability to succeed in a competitive job market and break the cycle of homelessness and poverty, because childhood homelessness is a strong predictor of adult homelessness.”).

¹² See generally Appendix: The Impact of the Digital Divide on Victims of Domestic Violence and LGBTQ+ Individuals, in “Support for Legislation Providing Internet Access to Individuals Living in Temporary Housing Throughout New York State,” New York City Bar Association, Reissued May 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/digital-divide-free-wifi-for-homeless-shelter-residents>.

¹³ Press Release: Mayor Adams, Chief Technology Officer Fraser Announce Nation's Largest Free Municipal Broadband Program for NYCHA Residents, Office of the Mayor, Sept. 19, 2022, <https://www1.nyc.gov/office-of-the-mayor/news/684-22/mayor-adams-chief-technology-officer-fraser-nation-s-largest-free-municipal-broadband#/0>; see also Samar Khurshid, “City to Announce Free Internet and Cable for Thousands of NYCHA Residents,” Gotham Gazette, Sept. 17, 2022, <https://www.gothamgazette.com/city/11583-city-free-internet-cable-nycha-residents>.

¹⁴ *Supra* note 3, Justice Center Report, at 8. See also, Nick Reisman, “Report: Students lacked access to devices for learning,” May 5, 2021, <https://nystateofpolitics.com/state-of-politics/new-york/ny-state-of-politics/2021/05/05/report--students-lacked-access-to-devices-for-learning>.

uninterrupted access to high-speed broadband internet service and Wi-Fi service.¹⁵ This legislation is supported by a number of organizations¹⁶ and would represent a huge step forward by ensuring that all shelter residents across New York State are guaranteed reliable internet access. It is critical that the City and State work together in a holistic way to fully address the digital divide.

Thank you for your continued attention to this issue. We appreciate your consideration of our testimony and welcome the opportunity to discuss further.

Social Welfare Law Committee
Sandra Gresl, Co-Chair

Education and the Law Committee
Rebecca Berkebile, Co-Chair
Jonathan D. Glater, Co-Chair

Contact

Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org

¹⁵ Bill information available at <https://www.nysenate.gov/legislation/bills/2021/S3593>. *See also*, “Support for Legislation Providing Internet Access to Individuals Living in Temporary Housing Throughout New York State,” New York City Bar Association, Reissued May 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/digital-divide-free-wifi-for-homeless-shelter-residents>.

¹⁶ “Joint Report from Advocates Supporting Efforts to Ensure All NYS Temporary Housing Facilities Have Internet Access for Residents,” June 2, 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/internet-access-homeless-shelters-advocate-support>.

Good afternoon, Members of the New York City Council, all elected officials and guests gathered here today. Thank you for giving me the opportunity to speak about Broadband and Equal Internet Access in New York City.

My name is Stuart Reid. I am the Co-Chairman of The Smart Community Initiative, Inc (TSCI). TSCI (www.thesmartci.org) is a 501c3 not-for-profit partnership of public housing resident leaders and veteran NYC-based community technologists, who have come together to help improve the quality of life for our residents.

The members of the board of TSCI are:

- Ms. Ethel Velez, TSCI Co-Chair, NYCHA Manhattan North District Council of Presidents Chair and President of James Weldon Johnson Houses Resident Association
- G. Douglas Frazier, TSCI Chief Innovator and Founder, Chairman and Executive Managing Partner, Digital Divide Partners
- Nathaniel Green, Vice-Chair, NYCHA Manhattan North District Council of Presidents and President of Dyckman Houses Resident Association
- Carlton Davis, previous Recording Secretary, NYCHA Manhattan North District Council of Presidents and previous President of Grant Houses Resident Association
- Steve Burke, Digital Divide Partners
- Stuart Reid, Digital Divide Partners Vice Chairman
- And Dr. Kofi Boateng, CPA, and former Executive Director of West Harlem Development Corporation

INTRODUCTION BY ETHEL VELEZ

Ethel Velez, in her capacity as Co-Chair of The Smart Community introduces TSCI as follows:

- Over the last seven (7) years I have worked with the Digital Divide Partnership (www.ddpny.org), a local community technology group led by Douglas Frazier and Stuart Reid, to utilize broadband technology to help improve our communities. Frazier and Reid's work goes back to the early 1990's when they were the first minority-led group to acquire and develop a fiber-based city-wide broadband franchise, when most people had never even heard of the Internet.
- The Smart Community Initiative's purpose is to create a self-contained technological ecosystem that uses technology to address our problems and challenges, including increasing and improving our knowledge, self-reliance, public safety and quality of life in our public housing communities.
- While our technology partners have been providing both fiber-based and wireless low-cost and free broadband applications, services and access in Harlem and the South Bronx for almost two decades, The Smart Community Initiative (TSCI) has been providing wireless broadband services and applications to three (3) public housing communities in East, Central and West Harlem since early 2020.
- In 2021 TSCI was certified in the FCC's Emergency Broadband Benefit Program, now the Affordability Connectivity Program (ACP).
- We believe that TSCI may be the only resident-led Internet Service Provider to be certified by the federal government's ACP program.

WHAT WE DO

- TSCI believes that it's all about what is delivered over broadband. Residents must be provided with information services and technology applications that in-fact directly improve our quality of life. This is particularly true when we consider that 50% of our population is unemployed, the median household income is at the poverty level, and no one or our nearly half a million residents own their own home.
- Critical aspects of TSCI's approach include providing communications platforms and applications, controlled and programmed by residents, that enable us to keep informed and to share information about activities, events and issues of concern within our individual developments and communities (see www.safensmart.org).
- Our approach also includes providing emergency communications training and platforms that empower us to take control of our own public safety and quality of life. We have partnered with City University's WHCR Radio Emergency Broadcast Team to help develop these capabilities (see www.whcrebt.org).
- TSCI also provides environmental analytics and information to residents in real-time about our development environments, including heat, humidity and air-quality metrics, utilizing devices and networks controlled and monitored by residents.
- TSCI provides multiple and redundant resident-controlled wireless and mobile communications platforms that enable the robust operation of all of TSCI's applications and services. These include community streaming radio stations, low-power FM broadcasting, broadband and mobile radio walkie-talkie services, and mobile digital video information services and content, among others.
- Oh, and of course, we provide free wireless internet access over which all of these applications and services are delivered.

TSCI's ANALYSIS OF THE DIGITAL DIVIDE

- TSCI believes that there will only be technological equity when residents and communities themselves, when we, take control of the technology solutions deployed in our developments.
- We have decades of experience with failed paternalistic solutions offered by previous administrations and their expert consultants, no matter how well-meaning.
- We are also all too familiar with major corporations coming into our communities with what they say is a special deal for us, when in fact it is simply another way for them to fatten their bottom line on the backs of poor people. One example is how public housing units are problematic for TV antennas so residents are denied access to the free local broadcast TV content, and must pay for TV.
- While corporate incumbents and other for-profit entities are focused on delivering value to their shareholders (despite public relations speak to the contrary), TSCI is focused on providing solutions to the economic and social disparities that have plagued our communities since slavery.
- TSCI believes that we, the residents, must take ownership, equity and control of the technology solutions deployed in our communities.
- Only then can we ensure that innovative broadband applications and services are designed and deployed to directly address our needs, as only we know them.

THE TSCI APPROACH

- TSCI believes that now is time for us to seize the opportunity to expand our work that puts technology tools directly into the hands of residents
- This includes:
 - Training residents to install and maintain the wireless networks and facilities in our developments
 - Training residents to program and operate our own community-based information sources and platforms
 - Training residents in emergency communications operations, protocols and procedures
 - Training residents in communications procedures and regimen to monitor and report on building conditions (elevators, hot water & heat) on a daily basis
 - Nurturing, supporting and deploying technology applications and services that are seeded, created and controlled by our residents
 - Training residents in entrepreneurial and independent business skills, utilizing technology to support and drive their success
 - Delivering turnkey solutions that create a community-based technological ecosystem that is both self-sustaining and innovative in its approach to problem-solving.

WE ARE NOT THE ONLY ONES WHO BELIEVE IN THIS APPROACH

THE CITY OF NEW YORK

- In late 2021, following an intensive, year-long RPF process and rigorous due diligence review, the previous City Administration, under its Internet Master Plan, selected The Smart Community Initiative to install and operate its wireless broadband facilities and services in 40 public housing developments and 300 buildings in Harlem and Northern Manhattan, reaching nearly 60,000 people. TSCI's Manhattan North Broadband Project was born (see www.mnorthproject.org).
- A novel approach of the City's proposed solution is that the wireless broadband technical facilities installed under TSCI's Manhattan North Broadband Project would be publicly owned by the City, but operated and maintained by our community-based non-profit, TSCI.
- This is a model that we believe enhances the development of City technology assets while simultaneously encouraging innovation, ownership and self-reliance at the community level. And it provides a viable alternative to big corporate solutions offered by the same providers that in fact created the digital divide in the first place.
- This model also stimulates community-based economic and social development in a way that cannot be shoe-horned in by outside entities.
- As an ACP-certified Internet Service Provider (ISP), TSCI is ideally poised to sustain its ongoing operations following the expenditure of capital funds by the City.

DIDJA, Inc.- Local TV and Hyper Local Community Video Partner

- TSCI is pleased to announce our partnership with Didja, a national streaming TV service, that is enabling TSCI to program and provide our own DDP Mobile Bulletin Board service featuring locally produced video information services throughout NYCHA communities.
- The Didja platform is being used to create a Mobile Bulletin Board service enabling TSCI to deliver building and development-specific video announcements, news, information, education and community discussion and more to smartphones, laptops and connected TV's. With unlimited channels, TSCI can create channels that address our communities' evolving needs.
- We believe our Mobile Bulletin Board Service is a ground-breaker, in that it enables residents, and the NYCHA administration as well, to directly communicate with targeted, real-time communications over a ubiquitous mobile platform available to all. The service is programmed by and for residents, and is another platform that residents will be trained to operate.
- The Mobile Bulletin Board service is simple to install and operate, and I invite Council Members to download the free app from Didja by searching in their Apple or Android Play Store for "LocalBTV" on their smartphone. Enter the special NYCHA area code, 00033, then select COMMUNITY to view the DDP Mobile Bulletin Board channels.

CONCLUSION

- In conclusion, TSCI would like to underscore its belief that digital equity can only be achieved when underserved communities and residents become the owners, operators and providers of the broadband networks, applications and services in our own communities. TSCI's partnership of seasoned resident leaders and veteran community technologists brings together a team that has been successfully operating and delivering results in this manner for many years. As a resident-managed not-for-profit certified by the federal government to provide ACP Internet service, TSCI is uniquely qualified, experienced and committed to continue its work bringing free broadband applications and services to our public housing communities. We ask the City Council to do whatever is within its powers to help ensure funding that will enable the expansion and continued success of our efforts. Thank you.



Testimony: Broadband and Equal Access to the Internet in NYC

9.19.22

NYC COUNCIL COMMITTEE ON TECHNOLOGY & SUBCOMMITTEE ON ZONING AND FRANCHISES

Tech:NYC is a nonprofit member-based organization representing roughly 800 technology companies in New York. Our membership includes some of the largest and most innovative tech companies in the world as well as hundreds of small and growing startups. We are committed to supporting New York's economic recovery and to ensuring that all New Yorkers can benefit from innovation. Tech:NYC and our members work with government and community partners to foster a dynamic ecosystem so that New York remains the best place in the country to start and grow a technology company.

Equal access to broadband and internet for New York City residents is a top priority for Tech:NYC. The need for universal internet access became even clearer during the COVID-19 pandemic as remote learning, remote and hybrid working, and social isolation (especially for our seniors) became our new reality. As technology has progressed and videoconferencing is now a part of everyday life, fiber based broadband is the gold standard for internet service due to its high speeds for both downloading and uploading data, especially compared to cable based broadband. According to data released prior to COVID-19, 29% of NYC households and a whopping 1.5 million NYC residents did not have broadband at home. What's more, as of June 2020, 19% of NYC's census blocks did not have fiber based internet service. Better access to the internet will lead to improved education outcomes, expanded employment opportunities, more profitable businesses, and stronger connections with families afar. New York City's government has recognized this need and already begun investing in stronger internet options for our residents. For example, in 2021, the Mayor's Office allocated \$157 million in capital funding to upgrade internet connections for over 600,000 New Yorkers, including 200,000 NYCHA residents. Likewise, LinkNYC's new 5G kiosks are currently being installed in commercial and residential neighborhoods throughout the five boroughs. These new 5G powered kiosks, which Tech:NYC supports, will provide free WiFi at extended distances, and bridge the digital divide for families without internet.

In addition to the new LinkNYC 5G kiosks, the city must utilize existing infrastructure to extend free public WiFi to residents and visitors. As a result, Tech:NYC supports Int. 440, which would require city agencies, buildings, and structures with existing secure public WiFi capabilities to expand WiFi for the surrounding public.



As for expanding access at home, one of our most effective tools is the federal government's Affordable Connectivity Program (ACP). The ACP offers a \$30 discount for broadband service. Similarly, most service providers have agreed to offer \$30 monthly plans for low income residents. This means that eligible households, such as those qualifying for SNAP, Medicaid, and other government subsidies, will receive no bill for internet service. Tech:NYC supports Int. 599, which is aimed at increasing awareness about affordable internet programs and helping students and their families get enrolled. This includes ACP and Lifeline, which provides a smaller monthly discount on broadband and phone service. To increase awareness and heighten enrollment, we recommend that the city coordinate with established internet service providers since the enrollment process may differ depending on the provider.

Intro. 241, which would provide mobile WiFi hot-spots to all NYC public school students, is also an exciting proposal. By issuing WiFi hot-spots, students will have increased access to the internet so they can complete their homework, participate in research assignments, and stay connected with their teachers. Tech:NYC recommends that the Council consider updating the bill so that it includes issuing LTE-enabled computing devices as an option for at-home internet access. NYC DOE is already a large-scale provider of connected tablets and computing devices, including managed devices which can be remotely controlled by DOE and are pre-programmed with educational software. This will improve connectivity and ensure that students have the tools needed to log-on and complete their assignments.

Tech:NYC applauds the City Council's commitment to increasing internet access for students and families throughout NYC. We look forward to working with the Council on bridging the digital divide.

**STATEMENT OF
WILL LUCKMAN**

**MS STUDENT
DATA ANALYSIS AND VISUALIZATION
CITY UNIVERSITY OF NEW YORK GRADUATE CENTER**

**BEFORE THE
COMMITTEE ON TECHNOLOGY
& SUBCOMMITTEE ON ZONING AND FRANCHISE
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING
OVERSIGHT – BROADBAND AND EQUAL ACCESS TO THE
INTERNET IN NEW YORK CITY**

**PRESENTED
SEPTEMBER 19, 2022**

Good afternoon, my name is Will Luckman, I'm a Brooklyn resident in the 36th district. I'm also currently enrolled at the City University of New York Graduate Center, where I'm pursuing a Master of Science degree in Data Analysis and Visualization. Thank you Chairperson Gutiérrez for calling this hearing today. I'm grateful for the opportunity to discuss the City's efforts to bridge the digital divide and my research into City spending on telecommunications infrastructure.

As part of my testimony, I am [submitting a research project](#) that I completed in fall 2021. Using publicly available budget data from the City Comptroller's office along with other data made available through the NYC OpenData portal, as well as complementary research, I was able to illustrate that the digital divide in NYC—who has high-speed internet access, and who does not—is largely a question of income. I was also able to illustrate that as a matter of policy, City spending and franchising of telecommunications over the past decade has been a complete disaster.

In New York City, there is an almost 1-to-1 correlation between low median incomes, and low rates of broadband adoption by zip code. This isn't a coincidence. In NYC the provision of last-mile, in-home internet service is dominated by a "Big 3" of for-profit companies: Verizon, Optimum, and Spectrum. The need to make profits off internet service provision, instead of providing it as a public utility, reinforces the digital divide in two ways: 1) High prices mean services are unaffordable for many New Yorkers and 2) even if some residents can afford service, the providers may decide it isn't profitable for them to build broadband infrastructure in neighborhoods where most can't pay.

These Big-3 ISPs have yearly revenues in the billions of dollars. In order to operate in NYC these telecoms must pay franchise fees to the City of New York. However, I found that these fees are quite small compared to the revenues these companies are generating, and I also found that these franchise fees have often not been paid in full. Aside from failure to pay, there have been other seeming violations of the franchises by the Big 3 including labor disputes and lies about coverage area and coverage speeds. The City or State has had to take legal action against all three providers. Despite all this, franchise agreements have been renewed or extended for all three. It's worth noting the City seems to be taking the same approach with LinkNYC at the moment.

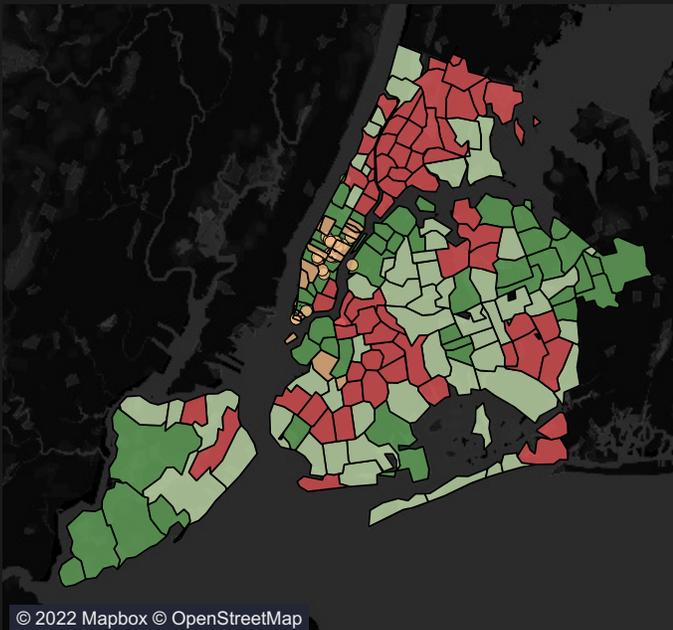
Possibly more egregious than the lack of enforcement and renewal of franchise agreements, is that the City is also contracting telecommunications services from the Big 3. In the 2022 budget it was projected that the City would spend almost twice as much in contracts with the Big 3 than it will collect in franchise fees from them. That's a bad deal.

Meanwhile, the Internet for All coalition has released a report projecting the first-year capital investment in a publicly-owned and operated municipal broadband system at \$150M. That means instead of prioritizing the bottom-line of private ISPs over the needs of New Yorkers, the City could build its own broadband network. With this network, the City could both provide internet to all New Yorkers regardless of their ability to pay, and significantly reduce the amount it spends on external telecommunications contracts. Win, win.

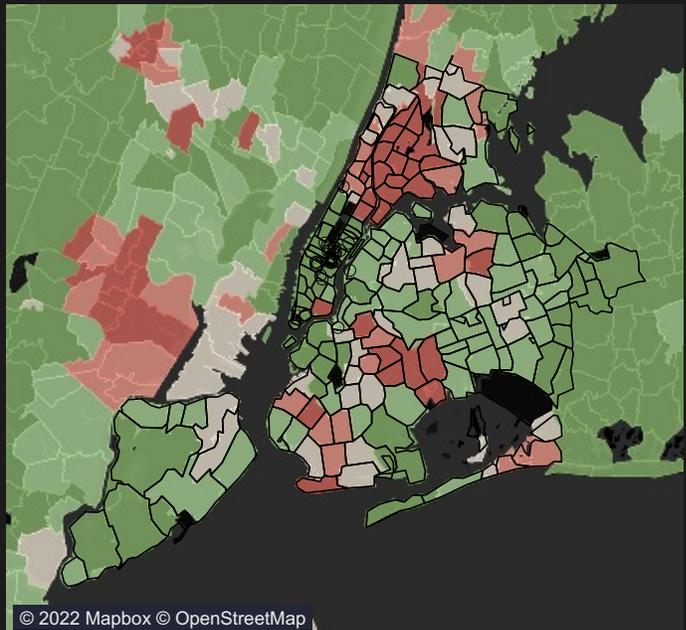
In NYC internet access is divided across stark economic lines

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Home Broadband Adoption



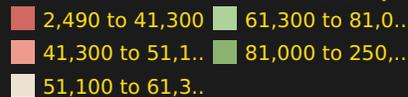
Median Household Income



Percent of households with a broadband connection (by q..



Median Household Income 2018 (dollars)



The broadband access map and the economic map are essentially the same map

In New York City, a "digital divide" exists along economic dividing lines. There is an almost 1-to-1 correlation between low median incomes, and low rates of broadband adoption by zip code. This isn't a coincidence. In NYC the provision of last-mile, in-home internet service is dominated by a "Big 3" of for-profit companies: [Verizon](#), [Optimum](#), and [Spectrum](#). The need to *make profits* off internet service provision, instead of providing it as a public utility, reinforces the digital divide in two ways: 1) High prices mean services are unaffordable for many New Yorkers and 2) even if some residents *can* afford service, the providers may decide it isn't profitable for them to build broadband infrastructure in neighborhoods where most *can't* pay.

Data Source:

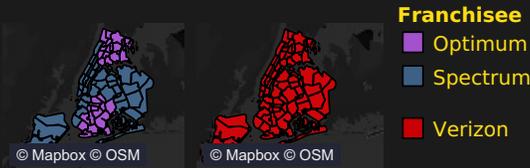
Left: NYC Open Data, "Broadband Adoption and Infrastructure by Zip Code," last updated 10/20/2020

Right: Tableau data layers

Three big corporations provide almost all at-home internet connections in NYC

Th ..

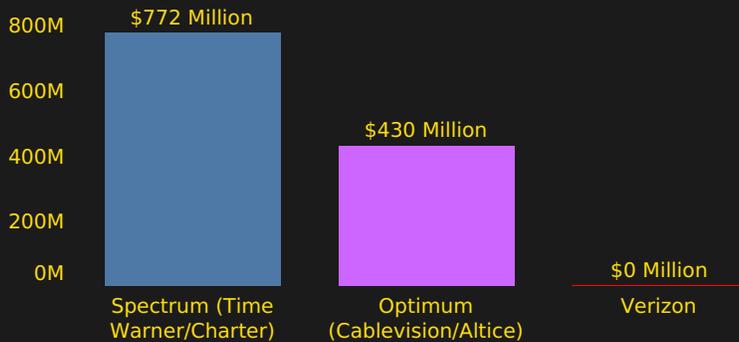
Franchise Territories



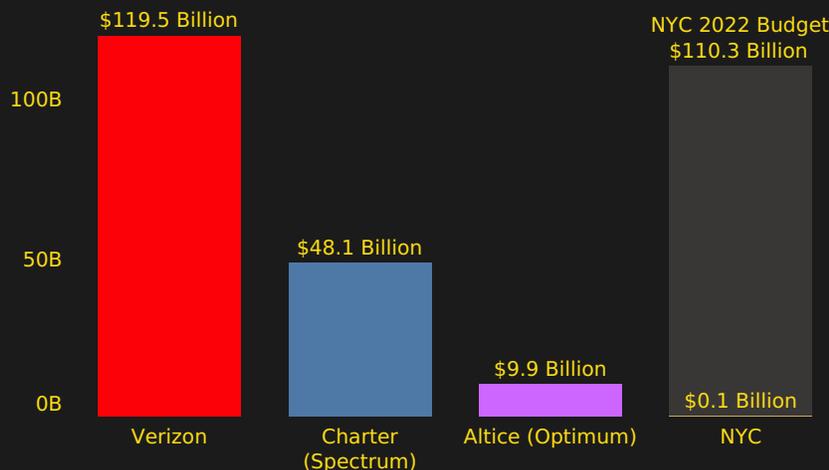
Franchisee
 ■ Optimum
 ■ Spectrum
 ■ Verizon

In order to operate in NYC, any internet service provider (ISP), must enter into a contract with the City, known as a “franchise agreement.” These are 10-year contracts, that guarantee the City 5% of advertising revenue delivered via these networks, paid to the Department of Information Technology and Telecommunications (DoITT).

Ten Years of Projected Franchise Fees Paid to NYC



One year of Big 3 Revenue vs. NYC Budget



Compared to the yearly revenue of these huge companies, or the total operating budget of NYC, franchise fees are a drop in the bucket.

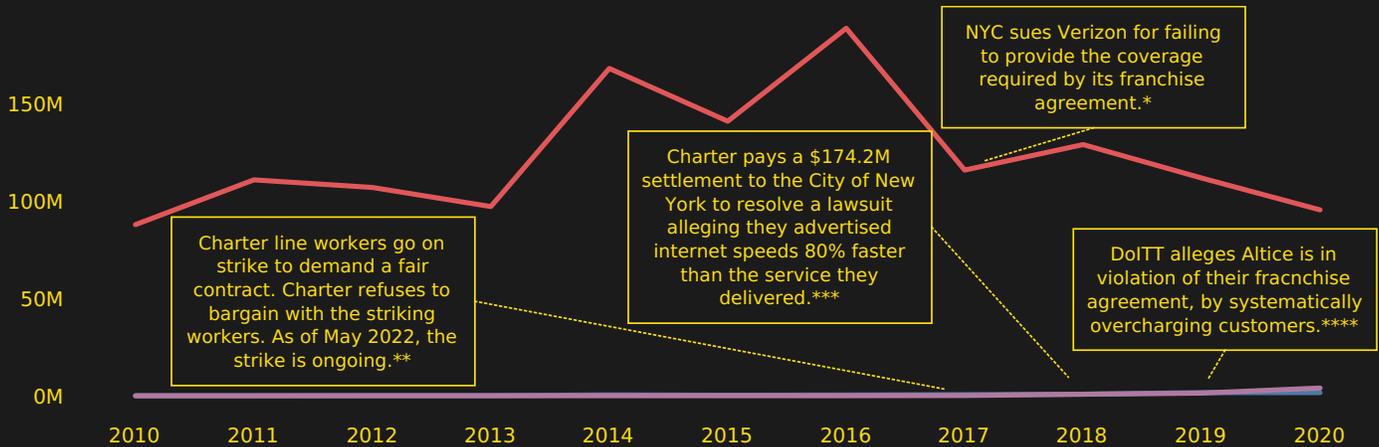
Data Source:
 Top: NYC Open Data, "Broadband Data Dig - Datasets," last updated 5/9/2022
 Middle: Checkbook NYC, <https://www.checkbooknyc.com/>
 * <https://www.gothamgazette.com/open-government/3984-what-the-verizon-deal-does-and-doesnt-do>

Bottom: Verizon 2020 Form 10-K, <https://www.verizon.com/about/sites/default/files/2020-Annual-Report-on-Form-10-K.PDF>
 Charter 2020 Form 10-K, <https://ir.charter.com/static-files/a798e04f-1fad-4157-aaf2-3d2866459f51>
 Altice 2020 Form 10-K, <https://d18rn0p25nwr6d.cloudfront.net/CLK-0001702780/b070b9e3-2e49-4c48-aa8a-281fd8467b31.pdf>.

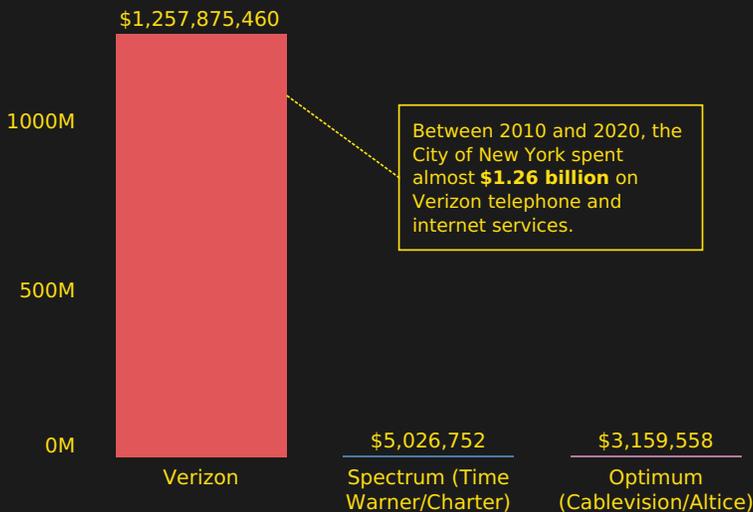
The City doesn't just collect fees from telecom companies, it also contracts their services.

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City Spending on Telephone and Internet Service with the Big 3 (2010–20)



The City has awarded the Big 3 with lucrative contracts, despite all three acting against the public interest



Various city agencies will *spend* a total of \$370 million on telecommunications contracts in 2022...



...more than twice as much as the City will collect in franchise fees.

Data Source: Checkbook NYC, <https://www.checkbooknyc.com/>

* <https://arstechnica.com/tech-policy/2017/03/nyc-sues-verizon-alleges-failure-to-complete-citywide-fiber-rollout/>

** <https://inthesetimes.com/article/spectrum-strike-labor-workers-new-york-picket-line>

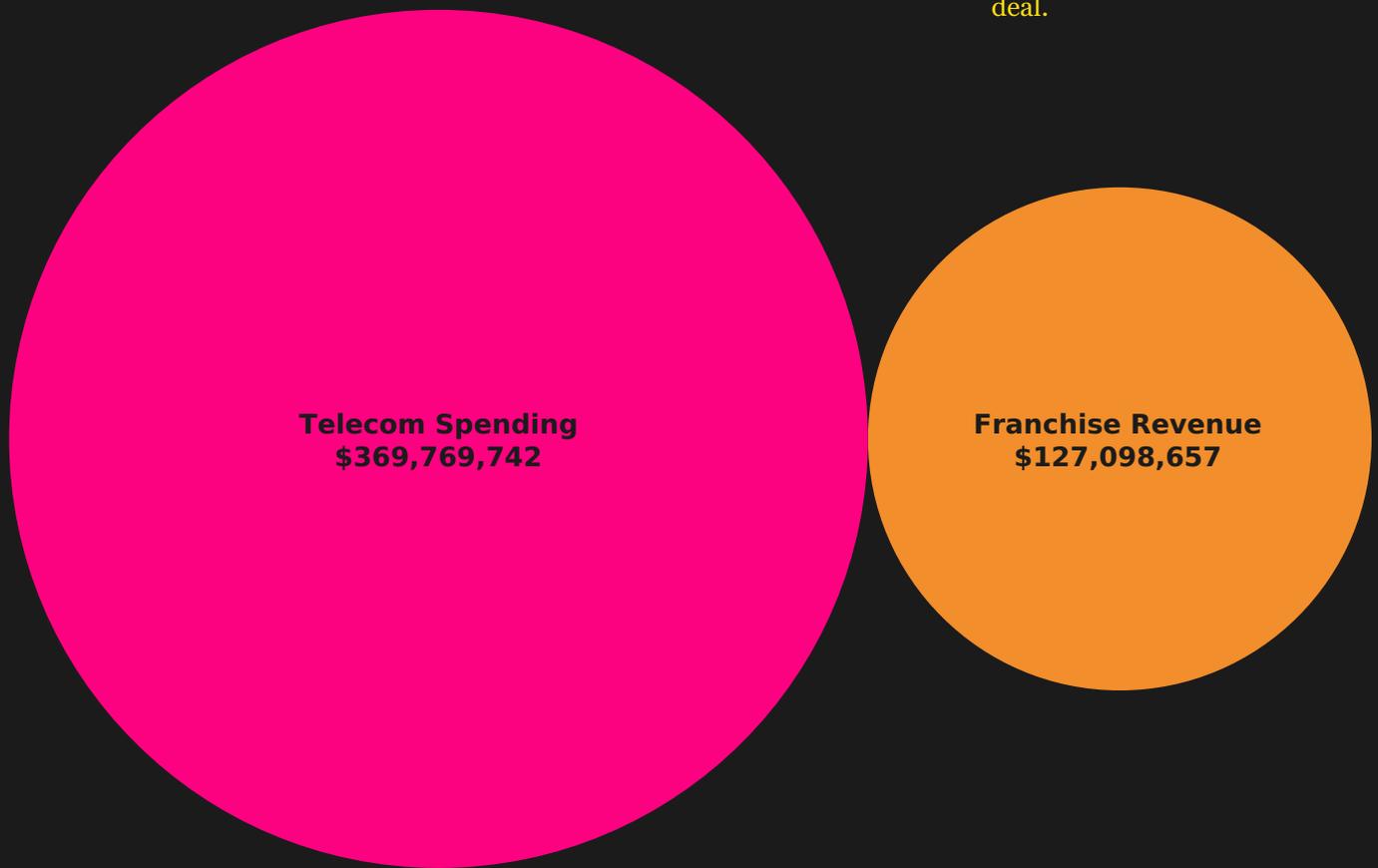
*** <https://www.theverge.com/2018/12/18/18146210/charter-spectrum-174-million-settlement-new-york-state-attorney-general-internet-speeds>

**** <https://acaconnects.org/wp-content/uploads/2019/01/Dec.-21-2018-Altice-Executed-AOD.pdf>

. The City spends significantly more on telecom contracts than it receives in telecom franchise revenue

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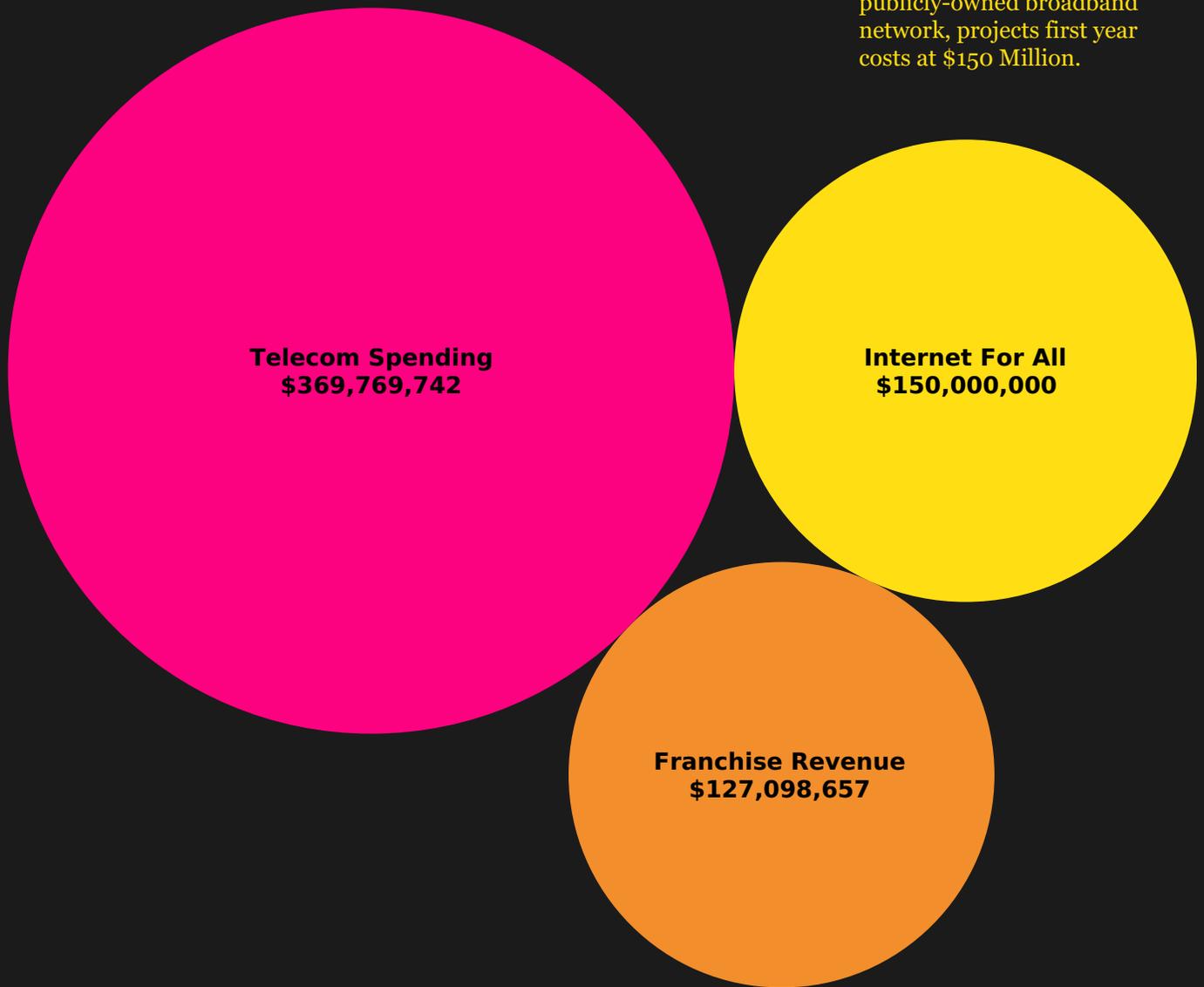
That's a bad deal.



But what if the City built its own broadband network?

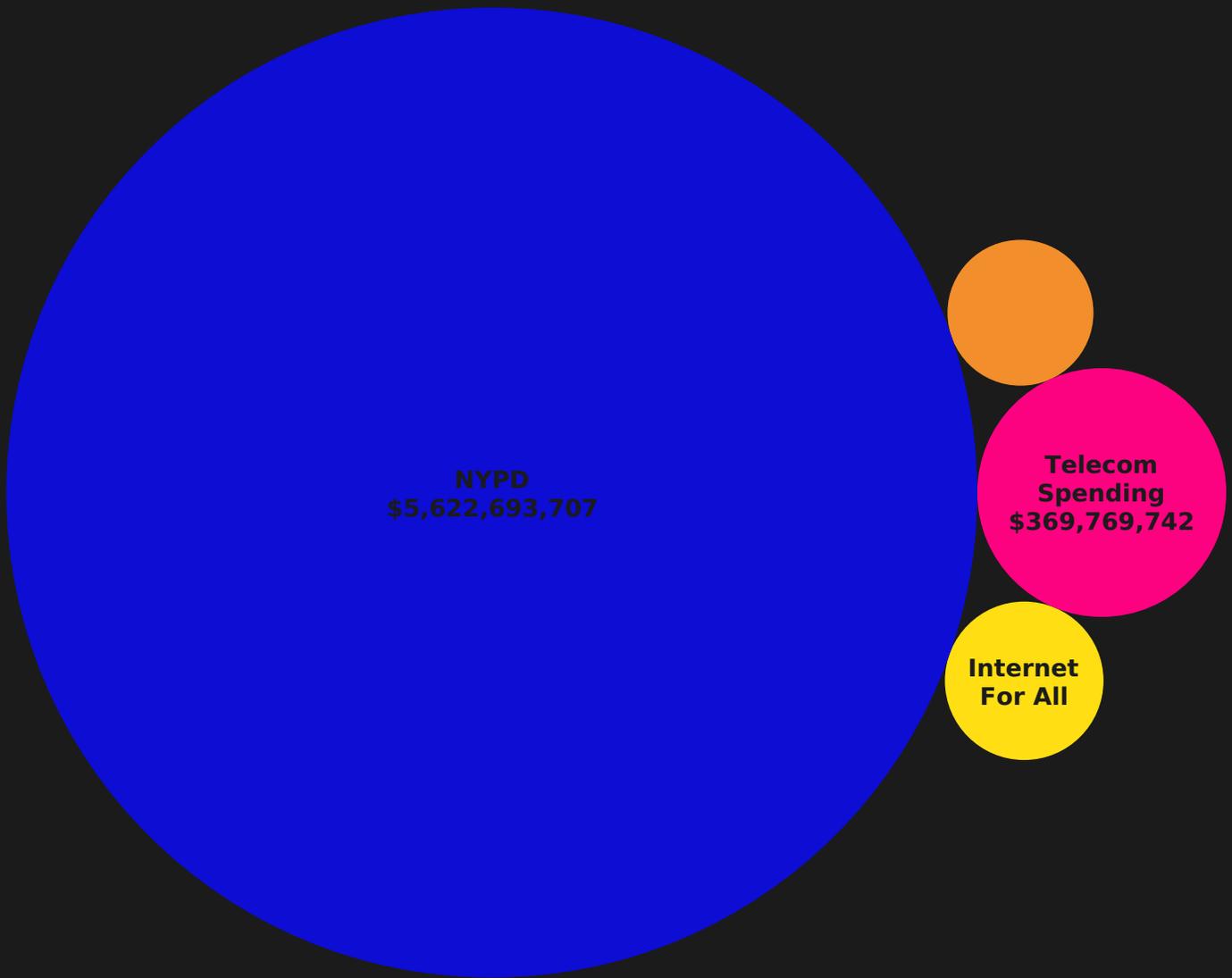
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A coalition calling for the construction of a non-profit publicly-owned broadband network, projects first year costs at \$150 Million.

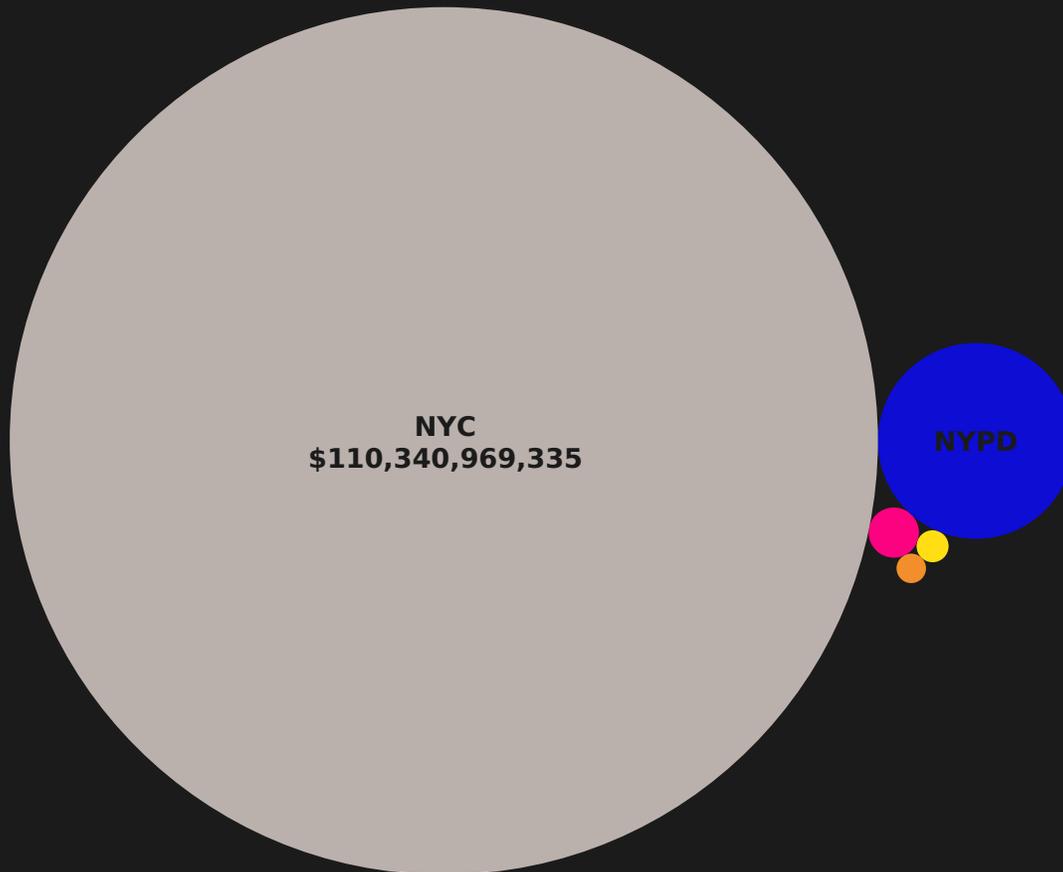


▪ **The money is there, it's just a question of priorities.**

**A
r.
▪**



Th e . . . A relatively small investment could ensure all New Yorkers have high-speed internet at home.



The digital divide is not a technical problem, or an economic problem—it is a political problem

Many New Yorkers lack a reliable internet connection because it isn't profitable for the three big private ISPs to ensure they have one. Those companies pay a small fee to operate in NYC, but in turn the City ends up paying more for telecommunications access than it collects in revenue. The big companies win and the digital divide persists. But there is another option.

Instead of prioritizing the bottom-line of private ISPs over the needs of New Yorkers, the City could build a publicly-owned and operated broadband network. With this network, the City could both provide internet to all New Yorkers regardless of their ability to pay, and significantly reduce the amount it spends on external telecommunications contracts. Win, win.

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

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I represent: BRIC

Address: E. 47th St 10009

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Name: JULIAN KLINE

Address: _____

I represent: TECH:NYC

Address: _____

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Name: PATRICK JOSEPH

Address: _____

I represent: COMMUNITY SERVICE SOCIETY OF NY

Address: _____

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Name: Annette Tomlin

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I represent: Self VOCAL NY

Address: 470 Vanderbilt Ave Bklyn NY

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Name: Stuart Reid

Address: Johnson Houses, NY, NY

I represent: The Smart Community Initiative

Address: Johnson Houses, NY, NY

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Name: BRETT SILKOFF

Address: APT 15 NYC BKLYN NY 11231

I represent: NYC OTI

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Date: _____

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Name: Chan-tai Senatus

Address: 2 Metrotech Plaza

I represent: OTI

Address: _____

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